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FRANK’S FATE WILL SOON BE KNOWN

DORSEY WILL FINISH HIS SPEECH IN FEW HOURS

Judge Roan Will Then Deliver His Charge and the Case Is Certain to Be in the Jury’s Hands by Noon Tomorrow. Some Look for a Quick Verdict, While Others Predict the Jury Will Be Out for Many Hours

Dorsey’s Speech, Interrupted by Adjournment, the Greatest of His Career—No Trial in Georgia Has Ever Been Marked by So Many Brilliant Arguments –Frank Remains Impassive Through It All

TERMINING the greatest criminal trial in the history of the south, the life of Leo M. Frank will be placed in the hands of twelve men tomorrow. The case,

after four hot, grueling, hard-fought weeks is certain to go to the jury within four or five hours after court convenes on the first day of the fifth week.

Solicitor General Hugh M. Dorsey will resume his final argument then. He will try to convince the twelve men, “good and true,” that Leo M. Frank, as he himself believes, assaulted and killed little Mary Phagan in the metal room of the National Pencil factory on Saturday, April 26.

When court opened Saturday morning it was predicted with confidence that the jury would begin its deliberations during the early afternoons. Even Solicitor Dorsey said that he expected to finish by noon or soon after.

“I was just clearing out the underbrush when I was interrupted Friday by adjournment,” he remarked.

At 11:30 o’clock, after talking three and one-half hours he paused to remark: “I am still clearing away the underbrush. I haven’t touched the state’s case yet.”

More than two hours later when Judge Roan interrupted him he declared that the end of his argument was not yet in sight. “I am fearfully tired, though,” he said. “As you showed these gentlemen—point to Attorneys Rosser and Arnold—the courtesy of adjourning during their speech, I hope you will let me stop now.”

So, a few minutes before 2 o’clock Judge Roan ordered an adjournment until 9 o’clock Monday morning, with the state’s prosecutor in the midst of as impassioned and eloquent an accusation as has ever been aimed at a defendant in a criminal courtroom.

Dorsey attacked discriminately the witnesses put up by the defense. Fiat-footedly, without qualifying his words he accused several of outright perjury. He scored the tactics of his legal opponents, Luther Z. Rosser and Reuben R. Arnold and their defense of the accused factory superintendent.

He Denounced Frank.

Again and again he faced the defendant, singled him out with his finger and denounced him as a “man” with a reputation but no character, “as a man not like other men,” and as a “murderer fit only for the gallows and a felon’s grave.”

And through it all Frank, college graduate, termed a mental collosum by the man who would send him to a death of disgrace, sat with inscrutable countenance. At either side were his wife and his mother, almost as

impassive. But occasionally a tear would trickle down the cheek of his mother or a sob shake the figure of his wife.

Mrs. J. W. Coleman, mother of the murdered girl, cried and shrieked hysterically when the solicitor reached one of the peaks of his seven hour denunciation. She could not control her sorrow. Mary's sister, clothed in deep black, as was his mother, also succumbed to emotion.

Climax of the Case.

Dorsey's speech is the climax of the case. The most dramatic hours of the trial were divided by the long adjournment.

The court was quieter, possibly more attentive, for as the time for the case to go to the jury approaches the public interest grows more intense. Dorsey has the advantage of the last word over the veterans of the defense. His speech has been looked forward to as the finish of Georgia's most famous criminal case. The solicitor has unquestion-

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FRANK'S FATE WILL SOON BE KNOWN

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ably made the most of his opportunity. In his impassioned address Saturday he showed a mastery of detail which was amazing. He expounded his philosophy and deductions of the killing. He contradicted the assertion of Reuben Arnold that it was just as logical to consider Conley the negro guilty as it was to accuse Frank. He gave his view of why he had brought Frank to the brink of death and not the African.

"I Have Done My Duty."

"In the years to come my conscience will not cry out, 'You have done wrong," he said. "I will go to my grave content in the belief that I have done my duty, and done it to the best of my ability."

"You will never put a rope around James Conley's neck for a crime that Leo M. Frank committed," he cried, "Your will have to get another solicitor

general. And the quicker you get him the better." He echoed Patrick Henry's immortal ultimatum, "If this be treason make the most of it."

Four Great Speeches.

Auditors differ on the merits of the arguments made by the four attorneys, Dorsey, Arnold Rowser and Frank A. Hooper. Each has exerted himself to the utmost—everybody is agreed as to that. Each has given the best that is in him. At least three of the men made exhaustive studies of the case. The fourth, Hooper, was called into it too late to assimilate all the little complexities that have puzzled the minds of the criminal experts of the city. But when he began the final act of the trial by making the first argument of the prosecution, he opened the three days of speech making that are unparalleled in Georgia. Hooper argued the law rather than the crime. He defined the reasonable doubt, told the jurors the value of character testimony, showed them how they should consider circumstantial evidence and applied the intricate constructions of the law to the Frank case. He put the mind of the jury in a position to understand and appreciate the facts that Solicitor Dorsey with his mastery of details is attempting to drive.

He was followed by Reuben R. Arnold, a fascinating speaker and a great lawyer. Hooper called Arnold a "Great lawyer," Dorsey said of him, "the country affords none better," and his brother attorney Rosser, said: "Rube's a mental giant." Each one of these speeches probably excelled any that had previously been uttered for a jury's cars in this state. And each has its cohorts of supporters who say it is better than the others.

"My Conscience Commends Me."

Arnold talked for four hours and forty minutes. He went into every feature of the evidence, analyzed it, defined it clearly, from the viewpoint of the defense. His logic was clear and deadly and his words had the ring of conviction in them. "I am glad to espouse this man's cause. I know the public will eventually commend me, as my own conscience commends me now." When Rube Arnold said this, those who heard him believed him.

Rosser Picturesque.

He was followed by Rosser, who made one of the strongest speeches of his long and brilliant career. In his original and picturesque style, and with his characteristic vigor, Mr. Rosser attacked the state's case.

With pointed ridicule, a weapon which he knows so well how to use to advantage, Mr. Rosser flayed the prosecution's witnesses and their evidence. Occasionally he relieved his arguments with wit: frequently he

grew sarcastic, and once or twice he lowered his voice and spoke tenderly, even pathetically.

His arraignment of the detectives and the solicitor for their alleged illegal and unjust methods of obtaining evidence was bitter and merciless, and his excoriation of Jim Conley and other state witnesses was terrific. He undoubtedly made a profound impression.

Dorsey came last. He has already talked more than seven hours longer by a considerable margin than either of the others and it is almost a certainty that when he concludes Monday with a demand for the life of Leo M. Frank he will have talked longer than both of the defense attorneys.

The month has been an ordeal for everybody, but nobody has suffered more than the four attorneys. Luther Z. Rosser said Saturday that he had lost twenty-five pounds since the trial began. The other three are nervous and weakened. All have approached the limitations of their physical strength.

Frank Shows No Emotion.

Leo M. Frank, about whom the fight has raged, has sat through it all without emotion and few comments. Only once apparently has he allowed his emotion to carry him away. That was when Rosser was interrupted Friday at noon by adjournment. The young factory superintendent jumped form his seat, grasped the hand of the big attorney and congratulated him. Frequently Franks miles. He does it when he talks with his relations or friends. He talks little about the trial—or if he does it never reaches the ears of the public. Sometimes he will comment on it generally. He will answer in the positive the suggestion, “Well, it is nearly over,” but that it as far as he will go.

“He is the most obedient prisoner I have ever had in my custody,” said Sheriff Wheeler Mangum at him Saturday afternoon. “He does everything I tell him.”

It is of course only a conjecture as to how long the jury will remain cut or how long the judge will allow it to remain out in the

“They’re Shooting It Into Me Pretty Hard But I Am Innocent” …Frank

“They are shooting it into me pretty hard, but I am innocent,” it into me pretty hard, but I am innocent,” is said to have been the comment of Leo

M. Frank, on trial for the murder of Mary Phagan, following the scathing arraignment of the prisoner by Solicitor General Hugh M. Dorsey, Saturday."

"Through the solicitor general's speech Frank has sat quietly as he did during the taking of evidence and the argument of his own counsel, and this is the only statement from him which has reached the public since Dorsey commenced his long speech."

event of a deadlock. It is certain, however, that the twelve sworn men will get the case Monday near noon. Judge Roan will occupy less than an hour in giving his charge. It will follow immediately the conclusion of Solicitor Dorsey's argument.

High Lights of Dorsey's Speech

Here is a Brief Summary of the Solicitor's Argument, Which Has Already Occupied Over Seven Hours

SOLICITOR Hugh M. Dorsey, closing the case of the state against Leo M. Frank, charged with the murder of Mary Phagan, addressed the weary jury for a couple of hours Friday afternoon, argued to it again for several hours Saturday, and will speak for two or three hours more on Monday morning.

His argument so far is admitted to be one of the notable speeches in Fulton county court history.

The sequence of his argument has kept it clear and intelligible. Just as he built his prima facie case against Frank by beginning with Mary Phagan's mother who testified as to when Mary left home and what she had eaten for dinner and continuing with George Epps and all the other witnesses in sequence, he has carried the thread of his argument from point to point.

Mr. Dorsey's manner of beginning his long argument was effective. With but a couple of hours available at the end of Friday's session, he knew that he could not hope to complete his argument on that day. So instead of

entering upon it in detail, he laid the rock bottom foundation for it by explaining law to the jury. His elucidation of the law's conception of the term "reasonable doubt" was important, for that was one point upon which the jurors—facing a terrible responsibility under their oaths—wanted information intelligible to their lay minds.

Then, still quoting authorities, he explained the value which the law places upon circumstantial evidence. The law, said he hold it to be as valuable as direct evidence in establishing guilt. He cited an authority for the statement that "any rule would expose society to its most depraved members," for "the most atrocious crimes are contrived under circumstances which almost preclude positive proof."

It was while he discussed circumstantial evidence that he attacked Mr. Arnold's citation Thursday of the Durant murder case in San Francisco as an example of the uncertainty of circumstantial evidence. Mr. Arnold had made a profound impression upon the jury by declaring that years after Durant was hanged for the murder of Blanche Lamont, the preacher of the church in which she was killed made a death-bed confession of his own guilt in the crime. Mr. Dorsey dramatically gave the jury information not yet a day old from the district attorney in San Francisco that "nobody has confessed to the murder of Blanche Lamont."

Of the Durant case cited by Mr. Arnold, Mr. Dorsey made an impressive parallel with the Frank case, detail by detail.

And the Durant case very naturally led to a discussion of other cases at Saturday morning's session.

Mr. Dorsey referred to the Beattie case, of Virginia, and the Richeson case, of Massachusetts.

Attacks Frank's Character.

But at Friday afternoon's session Mr. Dorsey had progressed just midway in his discussion of "good character" when court adjourned. He denied that Frank had a good character. He admitted that the accused man had a good reputation among those who knew what Frank A. Hooper had called the Dr. Jekyll side of the personality. He explained clearly the limitations under which the state had operated in attacking Frank's character after the defense had made an issue of it. He told the jury that was the reason and no details had been given to it by the state. In its allegation of bad character, was that the state was not allowed by law to prove details. That, said he, must be brought out on cross-examination by

the defense. “They dared not question our character witnesses,” shouted Mr. Dorsey, shaking his finger at the lawyers for the defense. “They were afraid for those girls to tell what they knew of Leo M. Frank.”

And on Saturday he continued right there with his argument,

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HIGH LIGHTS OF

DORSEY’S SPEECH

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picking up the thread and completing his discussion of the point just as though he had not been interrupted by night.

And from the character issue, he turned to the alibi of the defense. He defined an alibi as “the last resort of a guilty man.”

“Up goes your alibi!” exclaimed Mr. Dorsey.

Then, with skillful analysis, he picked the alibi before and plucked it there and pounded it in another place, contrasting witness with witness, and witness with affidavit. The defense had almost split seconds with the alibi, piecing it together like the thousand parts of a mosaic to form a perfect whole. Mr. Dorsey followed the defense and was actually a minute. The discussion demanded mathematical precision. What ordinarily would have appeared but quibbling became vital in its importance—for the life of the accused may depend upon that terrible problem of minutes.

Answers Perjury Charge.

And the discussion of the alibi led Mr. Dorsey to the charges of perjury. The defense had charged perjury against state’s witnesses. Mr. Dorsey denied the charge later; but at this earlier junction he launched a counter attack upon the defense itself. Mr. Arnold, said he, had imputed perjury “in terms of glittering generality.” To fasten perjury upon a case, said he, one must cite specific instances. Therefore, he proceeded to cite specific instances. Of them all, he attacked Lemmie Quinn most cruelly, charging that the “pet foreman of the metal department” had accommodated his sworn testimony entirely to the needs of the defense. Lemmie Quinn, said the solicitor, visited Frank’s office before Mary Phagan arrived there on that

fatal afternoon. There was Conley's circumstantial statement for that, said he: and backing it were two of the defense's own witnesses. Miss Corinthia Hall and Mrs. Emma Freeman. Both of these left the pencil factory at 11:45, according to their own testimony; and a few minutes later they were talking with Quinn in the Busy Bee cafe on the corner—after Quinn had been to Frank's office. Yet Quinn swore on the stand, said the solicitor, that he visited the pencil factory about 12:20 or 12:32, which would have put him there after Mary Phagan arrived and after the state believes she had been killed and Quinn swore that he found Frank at work in the office and that Frank was calm and natural.

The solicitor also attached the testimony of Miss Curran, who swore she saw Frank at the corner of Whitehall and Alabama streets at 1:10 o'clock or possibly a few moments earlier, on April 26.

Mr. Dorsey replied to the charge of "prejudice," made by the defense. By no act or word had the state or any of its witnesses said Mr. Dorsey, intimated whether the accused was Jew or Gentile, white or black. The defense, said he, was disappointed because the case had not been pitched on that lower plane, so disappointed that they ahd raised the cry anyway. There was no prejudice in the state's case, said Dorsey, "We would despise ourselves if we asked for a conviction upon that base plea," said he.

The solicitor declared, anent the defense charges against Jim Conley, that there will be no indictment of Jim Conley for the murder. "I have my own conscience to keep," declared he, adding, "You'll have to get another solicitor general before you can hang Jim Conley for the crime that Leo M. Frank committed."

The solicitor declared that Frank's letter to his uncle betrays a guilty conscience. That letter, he admitted was written on the afternoon of April 26, after (as the state charges) Frank had killed Mary Phagan. It rings false, he charged. He quoted the passage about "It has been too short a time since you left for anything startling to have developed down here," branding it as the mark of an uneasy mind preparing an alibi. He quoted the passage about "The thin gray line of veterans marched to do honor to their fallen comrades," and declared it to be the betrayal of excessive effort at factitiousness. What would Frank's uncle, he demanded, care about the thin gray line?"

Significance of Notes.

Mr. Dorsey analyzed from the state's viewpoint the notes found beside the dead body of Mary Phagan, which Conley admits he wrote. Their diction betrays them as having been dictated as Conley tells, said the solicitor.

Conley, on the stand, in negro dialect, said invariably, "I done" or "be done," said solicitor. Yet in one of the notes appears "that long tall black negro did this."

No negro, drunk (As the lawyers for the defense allege Conley was), would have written those notes, said Mr. Dorsey; and no negro, sober (as two of the state's witnesses testified Conley was that day), would have attacked Mary Phagan with Frank sitting upstairs in the edifice within reach of every sound.

Frank had to move the body, said the solicitor; for it lay on the second floor where its discovery would damn him. He asked Conley if he, Conley, had seen anybody come up. Conley answered that he saw two young ladies go up, but only one came down, said the solicitor, quoting testimony. There, said the solicitor. Frank saw he had to let Conley into his confidence. Then he decided to make the negro move the body and incriminate himself. He got the negro's premise to return that afternoon and burn the body, according to the evidence. The solicitor asserted to the jury his conviction that if Conley had attempted to burn the body, Frank would have betrayed him in the act to the officers of the law.

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HOW FRANK IS REGARDED BY HIS OWN AND THE STATE'S ATTORNEYS	*Some Striking Excerpts From Four Remark-Able Speeches*

Attorney Luther Z. Rosser:

YOU heard him on the stand. You can take a counterfeit dollar of the right size and the right weight, one that would fool the secretary of the treasury, and drop it—and it will not have the ring of the genuine.

Arnold or I could have told his story but it would not have had the ring of truth to it. I have proof that I never wrote his statement. I couldn't have done it! He has more brains than either of us.

You heard his story. It had the ring of truth to it, unmistakable, unrefutable.

This man is a victim of suspicious circumstances.

It was an awful crime, they killing of that little girl. But it is a far worse crime to accuse this young man of her murder. I hope I never see this trial duplicated in a courtroom.

Attorney Reuben R. Arnold:

WE are not claiming perfection for this defendant, gentlemen, any more than we claim it for ourselves, or you claim it for yourselves, or Solicitor Dorsey and his associates claim for themselves. But he is a moral gentleman.

The greatest injustice in this case has been the whispered, unspeakable things, the very suspicion of which is damning.

The state has built its case on Conley's testimony and it stands or falls with it. As that negro lay in his cell at police station, he conjured up the story he has told. And it was monstrous. If we hang a man on a story like that we are no better than grub worms.

I am glad to espouse this man and fight for his cause, I know the public eventually will commend me for it. And I know my own conscience will commend me.

Solicitor Hugh M. Dorsey:

I BELIEVE these poor, unprotected working girls who say he is of bad character. Sometimes a man of bad character uses charitable and religious organizations to ma his real self.

Many a man has walked in high society, and appeared without as a whited sepulcher, while he was rotten to the core within.

Oscar Wilde, brilliant, whose literary works will go down through the ages, had a good reputation, but he didn't have the character.

As sure as you are born that man is not like other men. Others without Mary Phagan's stamina and character yielded to his lust. But she did not. And he strangled her to save his reputation. His hands are red with her blood.